

DISCLAIMER

This electronic version of an SCC order is for informational purposes only and is not an official document of the Commission. An official copy may be obtained from the [Clerk of the Commission, Document Control Center](#).

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, March 9, 2000

PETITION OF

CASE NO. PUA000005

ROBERT A. WINNEY, d/b/a THE
WATERWORKS COMPANY OF FRANKLIN
COUNTY, TRANSFEROR,

AND

MALLARD POINT PROPERTY OWNERS
ASSOCIATION, INC., TRANSFEREE

For authorization to dispose of utility assets
pursuant to the Utility Transfers Act

ORDER GRANTING AUTHORITY

On February 18, 2000, Robert A. Winney, d/b/a The Waterworks Company of Franklin County (“Winney”), filed a petition with the Commission under the Utility Transfers Act. In the petition, Winney requests authority to sell the water system serving the Mallard Point development to the Mallard Point Property Owners Association (“the Association”).

As stated in the petition, there are twenty lots in the development. Ten of the properties have houses built on them. Eight of the completed houses have wells. One lot is presently connected to the water system, but the house has been vacant for many years. There is only one paying customer, and that customer does not object to the proposed transfer. Future lot owners may or may not connect to the water system.

As represented in the petition, the Association voted to operate the system as a non-profit operation funded one hundred per cent by the users of the system. However, in order to establish a reserve fund for needed improvements, the Association has indicated that it intends to temporarily charge a rate of \$67.50 per quarter, the same as currently charged, and a connection fee of \$750. Once the needed improvements are completed and a sufficient reserve fund is established for maintenance, the rates will be reduced to just cover the cost of operation. No availability charge is anticipated.

THE COMMISSION, upon consideration of the petition and representations of Winney and the Association and having been advised by its Staff, is of the opinion and finds that the above-described transfer of utility assets will neither impair nor jeopardize the provision of adequate service to the public at just and reasonable rates and should, therefore, be authorized.

On April 15, 1999, the Commission entered judgement in Commonwealth of Virginia ex rel. State Corporation Commission v. Robert A. Winney, Social Security No. 123-32-9127, d/b/a The Waterworks Company of Franklin County, Case No. PUE980602 (Doc. Control No. 90430004 filed April 15, 1999). Judgement for the Commonwealth in the amount of \$2,500 was entered against Winney for failure to comply with provisions of the Code of Virginia and to obey orders of the Commission. The judgement was recorded in the Circuit Court of Franklin County on June 1, 1999, in Book No. 55, Page No. 452. Upon consideration of this petition, the Commission finds that the lien created by this judgment should be released with regard to the following described real property in Mallard Point.

MALLARD POINT WELL LOT

BEGINNING at a point located on the westerly side of Mallard Point Drive being a common corner of Lot 2, Mallard Point and the well lot shown on the plat of

Mallard Point; thence with the westerly side of Mallard Point Drive Secondary Route 665, a curve to the left whose radius is 489.97 feet and whose chord bearing and distance is N. 12° 17' 39" W. 46.73 feet an arc distance of 46.75 feet to a point; thence continuing with the westerly side of Mallard Point Drive a curve to the left whose radius is 166.61 feet and whose chord bearing and distance is N. 26° 08' 14" W. 64.21 feet an arc distance of 64.61 feet. Thence leaving the westerly side of Mallard Point Drive S. 65° 14' 16" W. 87.84 feet to a point; thence S. 24° 45' 44" E. 109.82 feet to a point on the lot line of Lot 2, Mallard Point; thence N. 65° 14' 16" E. 79.29 feet to the place of BEGINNING; and shown as well lot .222 acres on the plat of Mallard Point dated December 4, 1987, made by Berkley Howell and Associates, P.C. and recorded in the Clerk's office of the Circuit Court of Franklin County, Virginia, in Deed Book 426, Page 882.

Non-exclusive easement in all of the public utility easements as shown on the plats of the Mallard Point subdivision and such easement of S & W Development Company in the Mallard Point subdivision for the location of any water lines and equipment.

All pipes, mains, pumps, well equipment and any other property installed or located in or on the described well lot and easements.

The Commission directs its Office of General Counsel to prepare and file promptly a release from the lien created by the judgement of April 15, 1999, for the described property.

IT, THEREFORE, IS ORDERED THAT:

- 1) Pursuant to §§ 56-89 and 56-90 of the Code of Virginia, Robert A. Winney, d/b/a The Waterworks Company of Franklin County, is hereby granted authority to sell to the Mallard Point Property Owners Association the water system serving the Mallard Point development as described herein.
- 2) The authority granted herein shall have no ratemaking implications.
- 3) Winney and the Association shall file a report of the action taken pursuant to the authority granted herein by no later than May 31, 2000. Such report shall include the date of sale of the water system and the accounting entries reflecting the transaction.
- 4) There appearing nothing further to be done in this matter, it hereby is dismissed.